

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOYCE A. KNIPFER,)	Civil Case No. 3:15- CV-00323
)	
Plaintiff,)	District Judge _____
)	
vs.)	Magistrate Judge _____
)	
GRANDVIEW HOSPITAL, <i>et al.</i>)	
)	
Defendants.)	

NOTICE OF REMOVAL

The United States of America hereby gives notice to the Court as follows:

1. The United States of America Department of Health and Human Services (“HHS”) is a named Defendant in an action now pending in the Court of Common Pleas of Montgomery County, Ohio, Case No. 2014 CV 06195.

2. The U.S. Attorney’s Office for the Southern District of Ohio became aware of this case after it was served with a copy of Defendant Grandview Hospital’s Answer to the Second Amended Complaint on August 20, 2015. Notably, this office was never served with a copy of the Amended Complaint that was filed in the state court action on August 12, 2015, wherein HHS was first named as a party to the state court action, nor was this office served with a copy of the Second Amended Complaint that was filed on August 13, 2015, and which is attached as Exhibit 1. Copies of all other pleadings filed in the state court action are also being filed contemporaneously with this Notice of Removal for the convenience of the Court as requested in the Supplemental Civil Cover Sheet.

3. The United States is removing this action from the Montgomery County Court of Common Pleas to this Court under 28 U.S.C. §§ 1442 and 1446. This action is removable under 28 U.S.C. 1442(a)(1) whereby “the United States or any agency thereof” may remove a civil action from state court “to the district and division embracing the place wherein it is pending.”

4. This action has been removed within the 30 day timeframe established in 28 U.S.C. § 1446(d).

5. A copy of this Notice of Removal will be filed promptly with the Court of Common Pleas of Montgomery County under 28 U.S.C. § 1446(d) to effect the removal.

6. Counsel for Plaintiff Knipfer and Defendant Grandview Hospital were asked to voluntarily dismiss the United States as a party to the state court action as no jurisdiction exists, but despite repeated requests, counsel for the parties have refused to dismiss the United States.

Respectfully submitted,

CARTER M. STEWART
United States Attorney

s/Brandi M. Stewart
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CERTIFICATE OF SERVICE

I certify that on September 10, 2015, I filed the foregoing Notice of Removal using the Court's CM/ECF system. I also certify that on the same date I sent a copy of the Notice of Removal by regular U.S. mail to the following:

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